IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 580 OF 1996

Vishnu Govind Gurav
and another. ... Appellants.

V/s.

Rohidas Jairam Gurav. ... Respondent.

K.H.Chopda for the appellants.

CORAM : A.S. OKA, J.

DATED : 1st March 2005.

P.C :

. Heard the learned counsel for the Appellants.

None for the Respondent.

2. By the impugned order dated 2nd March 1996, the notice of motion for temporary injunction taken out by the Respondent was made absolute. The Appellants - original Defendants have taken exception to the said judgment and order.

3. On 3rd June 1996 ad-interim relief in terms of prayer clause (A) of the Civil Application No.2993 of 1996 was granted and the operation of the impugned judgment and order was stayed. On 15th July 1996, the Appeal was admitted and the said ad-interim order was ordered to be continued till the disposal of the

Appeal. The net result is that the impugned order has not operated from 3rd June 1996. The office noting shows that at admission stage one Advocate represented the Respondent. However after service of notice of admission of the Appeal, the office noting shows that none appears for the Respondent.

4. In this view of the matter, the impugned order cannot be allowed to operate during the pendency of the suit as it remained stayed from the year 1996.

5. Hence this Appeal from Order is disposed of by directing that till the disposal of the suit the interim order passed by this Court in Civil Application No.2993 of 1996 dated 15th July 1996 will continue to operate. There will be no order as to costs.

6. The suit, if pending, will be decided on its own merits without being influenced by the orders passed by this Court.

7. All the concerned to act on an authenticated copy of this order.

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